

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-6060

KEVIN K. WALLACE,

Plaintiff - Appellant,

versus

W. BARR, Sergeant; CORRECTIONAL OFFICER GOLD-
BERG; CORRECTIONAL OFFICER STELPER; SERGEANT
HICKS,

Defendants - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. M. J. Garbis, District Judge. (CA-96-
1945-MJG)

Submitted: May 29, 1997

Decided: June 10, 1997

Before NIEMEYER, LUTTIG, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Kevin K. Wallace, Appellant Pro Se. John Joseph Curran, Jr., At-
torney General, Glenn William Bell, OFFICE OF THE ATTORNEY GENERAL
OF MARYLAND, Baltimore, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Kevin K. Wallace appeals from the district court order granting summary judgment in favor of the Defendants in his action filed under 42 U.S.C. § 1983 (1994). We affirm.

Wallace's complaint alleges two potential violations of his constitutional rights: employment of excessive force, and intolerable conditions of punitive confinement. Addressing Wallace's excessive force claim, the record discloses no more than de minimis injury and the use of only a small quantity of mace to aid in the control of a recalcitrant prisoner. Accordingly, we agree with the district court's grant of summary judgment as to this claim. See Norman v. Taylor, 25 F.3d 1259 (4th Cir. 1994) (en banc); Williams v. Benjamin, 77 F.3d 756, 763 (4th Cir. 1996). Turning to the conditions of confinement claim, we find summary judgment to again be appropriate given Wallace's failure to demonstrate serious physical or emotional injury resulting from the punitive confinement at issue. See Strickler v. Waters, 989 F.2d 1375, 1380-81 (4th Cir. 1993). We therefore affirm the district court's grant of summary judgment as to both claims.* We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

* We also deny appellant's motion for appointment of counsel.